

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NATIONAL OILWELL DHT, L.P.

Plaintiff,

v.

FLOTEK INDUSTRIES, INC.

Defendant.

CASE NO. _____

JURY DEMANDED

COMPLAINT

For its complaint against Flotek Industries, Inc. (“Flotek”), plaintiff National Oilwell DHT, L.P. (“NOV”) alleges:

PARTIES

1. NOV is a Delaware limited partnership with its principal place of business in Houston, Texas.

2. Flotek is a Delaware corporation with a place of business at 2930 West Sam Houston Parkway North, #300, Houston, TX.

NATURE OF ACTION, JURISDICTION AND VENUE

3. This is an action for patent infringement under the Patent Act, 35 U.S.C. § 1 *et seq.*

4. This Court has subject matter jurisdiction under 28 U.S.C. §1331 (Federal Question) and §1338 (Patents).

5. Venue is proper under 28 U.S.C. §§ 1391 and 1400 because, among other things, Flotek conducts business in this district, and has engaged in acts of infringement in this district.

COUNT 1

INFRINGEMENT OF U.S. Patent No. 6,508,317

6. NOV is the owner of U.S. Patent No. 6,508,317 issued January 21, 2003 (“the ’317 Patent”), which was duly and legally issued. The ’317 Patent is entitled “Downhole Apparatus and Method of Use.” A true and correct copy of the ’317 Patent is attached as Exhibit A.

7. Flotek has infringed and continues to infringe the ’317 patent, both directly and indirectly. The infringing acts of Flotek include at least the manufacture, use, sale, lease and or offer for sale or lease of an infringing downhole flow pulsing apparatus, for example the Flotek STEMULATOR vibration tool.

8. Flotek has been aware of the ’317 patent at least as early as February 7, 2013.

9. Flotek’s acts of infringement have caused damage to Plaintiff and Plaintiff is entitled to recover the damages. Flotek’s infringement of Plaintiff’s rights under the ’317 patent will continue to damage Plaintiff’s business, causing irreparable harm, for which there is no adequate remedy at law, unless Flotek is enjoined by this Court.

PRAYER

WHEREFORE, NOV requests the Court to:

1. Enter a judgment that one or more claims of United States Patent No. 6,508,317 have been infringed, either literally and/or under the doctrine of equivalents, by Flotek;

2. Enter a preliminary and permanent injunction against continued patent infringement in such form as the Court deems just;

3. Award NOV damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for use made of the invention, together with interest and costs as fixed by the Court;

4. Declare this case to be exceptional under the patent laws and award NOV enhanced damages under 35 U.S.C. § 284; and attorney fees and costs under 35 U.S.C. § 285 or other applicable statute;
5. Award NOV of prejudgment interest and costs of the action; and
6. Grant NOV such other and further relief as the Court may deem just and proper.

Demand for Jury Trial

NOV demands a trial by jury of all issues so triable.

November 19, 2014

Respectfully submitted,

/s/ Robert J. McAughan, Jr.

Robert J. McAughan, Jr.

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